



Digitized by the Internet Archive
in 2009 with funding from
Multicultural Canada; University of Toronto Libraries



Green Paper:

**The Further Development of
Representative Government
in Hong Kong**

pam
JQ672
H66

July 1984

GREEN PAPER

THE FURTHER DEVELOPMENT OF REPRESENTATIVE
GOVERNMENT IN HONG KONG

		<i>Page</i>
CHAPTER I	Introduction	3
CHAPTER II	The Present System	5
CHAPTER III	The Development of the Present System	8
CHAPTER IV	The Main Issues for Consideration	11
CHAPTER V	The Legislative Council	12
CHAPTER VI	The Executive Council	16
CHAPTER VII	The Governor	19
CHAPTER VIII	Conclusion	21

CHAPTER I

Introduction

1. In the Introduction to the Green Paper entitled "A Pattern of District Administration in Hong Kong" which was published in June 1980, it was stated that "The Executive and Legislative Councils, the central organs of Government, have evolved, and will continue to evolve as circumstances require, within the imperatives of stability and dependability which the special circumstances of Hong Kong dictate." This Green Paper follows from and develops on that statement.

2. During the past few years, several steps have been taken to develop a system of representative government in Hong Kong at the regional and district levels. In 1973, the Urban Council was reconstituted as a financially autonomous body; the official members withdrew from the Council and its unofficial membership was increased to 24, half of them directly elected on a limited franchise. 1982 saw the first direct elections to District Boards based on a very broad franchise. In 1983, the membership of the Urban Council was further increased to 30, half of whom are now elected from district constituencies on the same broad franchise as for District Board elections.

3. For many years members of the Urban Council have been appointed by the Governor to sit on the Legislative Council, and recently some elected District Board members have also been appointed to the Legislative Council. This process will continue.

4. In May this year plans were announced to develop further the representative status of the District Boards by doubling the number of elected members in 1985, and to establish in 1986 a new Regional Council, with a substantial elected element in its membership, to cover those areas of the territory not already covered by the Urban Council.

5. At the same time, recognition of the significance of the role of consultation in the ordering of public affairs in Hong Kong, and a public expectation of consultation in respect both of specific major issues and the generality of government policies and programmes, have emerged. The Government has encouraged this process. This in turn has led to an increasing number of representations from individual members of the public and various interest groups for the development of representative government at the central level as well as the regional and district levels. The development of representative government at the central level will be of great significance for the future.

6. The purpose of this Green Paper is to suggest how the central institutions of government in Hong Kong might be made more representative in a way which will make the Government more directly accountable to the people of Hong Kong; and to invite public discussion of and comment on the proposals set out in it.

7. The main aims of the proposals are—

- (a) to develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong;
- (b) to build this system on our existing institutions, which have served Hong Kong well, and, as far as possible, to preserve their best features, including the maintenance of the well established practice of government by consensus; and
- (c) to allow for further development if that should be the wish of the community.

CHAPTER II

The Present System

8. The present constitutional instruments provide for a system of government in Hong Kong based on three main institutions: the Governor, the Executive Council and the Legislative Council.

9. *The Governor* is appointed by the Queen and is her representative in Hong Kong. He has ultimate direction of the government of Hong Kong. He presides at meetings of the Executive Council and he is President of the Legislative Council.

10. *The Executive Council* consists of four ex-officio members—the Chief Secretary, the Commander British Forces, the Financial Secretary and the Attorney General—together with other members who are appointed by the Governor on the instructions of the Secretary of State for Foreign and Commonwealth Affairs. At present there are twelve appointed members—ten Unofficial and two Official. The Executive Council advises the Governor on all important matters of policy. Thus the Council considers all major policy matters and all principal legislation before it is introduced into the Legislative Council. The Council itself makes subsidiary legislation under a number of ordinances. It also considers appeals, petitions and objections under certain ordinances.

11. *The Legislative Council* comprises the Governor (as the President), three ex-officio members—the Chief Secretary, the Financial Secretary, and the Attorney General—and, at present, 29 Unofficial members and 15 Official members, who are appointed by the Governor with the approval of the Secretary of State for Foreign and Commonwealth Affairs. The Legislative Council's primary function is the enactment of legislation, including legislation for the appropriation of public funds. It also questions the Administration on matters of public interest and debates questions of policy. In addition, it exercises control over the expenditure of public funds through the Finance Committee of the Legislative Council, which consists of the Chief Secretary, as chairman, the Financial Secretary, one other Official member of the Council (by convention the Secretary for Lands and Works) and all the Unofficial members of the Council.

12. Beneath the Governor in his capacity as the chief executive are his three principal advisers: the Chief Secretary, who, *inter alia*, is head of the Civil Service and the Governor's deputy; the Financial Secretary, who is the Governor's adviser on budgetary and fiscal policy and economic and monetary affairs; and the Attorney General, who is the Governor's legal adviser. These three officials are members ex-officio of both the Executive and Legislative Councils and, as of right, each has direct access to the Governor. It is under the direction of these three principal advisers that the Civil Service operates, through the machinery of the 14 branches of the Government Secretariat and 59 executive departments and agencies.

13. In addition to the three main constitutional institutions and the Civil Service are the Urban Council, 18 District Boards, and an extensive network of Boards and Committees.

14. The *Urban Council* is a statutory and financially autonomous body responsible for providing municipal services as well as cultural and recreational facilities throughout the urban areas. It comprises 30 councillors, 15 of whom are appointed by the Governor and 15 directly elected on a constituency basis. The Chairman is elected by the Council from amongst its membership. The elected members automatically have seats on the urban District Boards in whose area their constituency lies, and the appointed members are also allocated seats on District Boards.

15. The 18 *District Boards* were set up in 1982 on a geographical basis covering the whole of Hong Kong. Of the total membership of the District Boards, about one-third are officials, one-third are appointed unofficials and the remainder (132 at present) are directly elected unofficials. It is in the District Boards that the concept of representative government based on popular elections has been most widely developed. The Boards provide a forum for public consultation and participation at the District level. They have a mainly advisory role with a substantial influence over district affairs. They are also allocated some public funds for local recreational and cultural activities and for minor environmental works.

16. The system by which members of the Urban Council and District Boards are elected is based on an electoral roll on which all residents aged 21 or above who have been in Hong Kong for seven or more years are eligible to be registered. Out of an estimated total potential electorate of 2.7 million, there are at present approximately 900,000 registered electors. An intensive campaign to encourage many more eligible persons to register as electors will be conducted in the near future.

17. Plans to double the number of elected members on the District Boards in 1985 and to set up a new partly elected Regional Council in 1986, to cover those areas not under the aegis of the Urban Council, were announced by the Government very recently. The new Regional Council will be composed of 12 directly elected members, nine representatives elected from the New Territories District Boards, three ex-officio representatives from the Heung Yee Kuk and 12 appointed members. A provisional Regional Council, with the same membership, except for the 12 directly elected members, will be set up in early 1985. The Urban Council is now considering the implications of the composition of the new Regional Council for the form and composition of the Urban Council.

18. There is also an extensive network of 371 *Boards and Committees*, which make up an important and distinctive feature of the system of consultative government in Hong Kong. Many hundreds of citizens serve as members of these boards and committees. Most of them are appointed but in some

cases they are elected. Half of these Boards and Committees are chaired by unofficials. Some of the boards are statutory and others non-statutory. Their responsibilities vary widely, from tendering advice on important policy matters to the Government or to Heads of Departments to performing functions of an executive or quasi-judicial nature. They also provide an invaluable training and recruiting ground for appointment to the higher councils.

CHAPTER III

The Development of the Present System

19. The most distinctive feature of the present system of government in Hong Kong is that it operates on the basis of consultation and consensus. It is not a system based on parties, factions and adversarial politics but one of broad agreements which seeks to take a pragmatic approach to the problems of the day. There is full and frank discussion of the many important matters which arise, and decisions are reached on the basis of general consensus. The very real advantages of this system, which have enabled Hong Kong to enjoy sustained periods of economic growth and internal stability, must not be forgotten, or lightly thrown aside, in developing plans for the introduction of more representative institutions in Hong Kong.

20. This system of consultation and consensus has grown up around two separate approaches to the question of how the people of Hong Kong should be represented. Two different types of shared interests among the people have been recognized – first, those arising from their place of residence; second, those arising from their occupations. These groupings can be described as “constituencies” – geographical constituencies and functional constituencies.

21. The *geographical* constituencies are based on institutions such as the Urban Council, the Heung Yee Kuk, the rural committees and, more recently, the District Boards.

22. The *functional* constituencies are based on people’s common interests, such as commerce, industry, law, medicine, finance, education, trade unions, etc. Many of these constituencies have a very long history in Hong Kong.

23. The development of these rather unique constituencies has been encouraged to a considerable degree by the compact geographical nature of Hong Kong.

24. It is from these geographical and functional constituencies that the appointed unofficial members of the various institutions of government, in particular the Legislative Council and the Executive Council, traditionally have been drawn. They have been selected to reflect the views of the Hong Kong community and its main pre-occupations, and they provide considerable expertise and knowledge. Moreover, the system has evolved steadily to keep pace with the changing circumstances of Hong Kong: for example, the number of Unofficial members of the Legislative Council has been doubled during the past ten years, elected members of the Urban Council have been appointed to the Legislative Council for many years, and more recently two elected members of the District Boards have been appointed to the Legislative Council.

25. It is proposed to build on these geographical and functional constituencies by developing the present system whereby all Unofficial members of the Legislative Council are selected and appointed by the Governor from these constituencies into a system which will provide for a substantial number of

Unofficial members to be elected from within these constituencies to the Legislative Council.

26. In the case of the geographical constituencies, it is proposed that an electoral college should be established consisting of all the elected and appointed unofficial members of the Urban Council, the Regional Council and the District Boards, which would elect a specified number of members of the Legislative Council. In the case of the functional constituencies it will be necessary to define clearly those constituencies which should be invited to elect representatives to the Legislative Council and to devise appropriate means of conducting those elections.

27. Suggestions have been made that direct elections to the Legislative Council, on a universal franchise, based on either constituencies or a single list, should be introduced now. Direct elections have emerged or been introduced as a standard feature of the governmental system in many countries where they have proved well suited to the society they serve. They have not, however, been universally successful as a means of ensuring stable representative government. In some cases the political preparation for direct elections has been inadequate; in others their form did not allow them to take root in the customs of the host society; and in consequence they have not endured or have failed to receive adequate support from the population at large. In the case of Hong Kong it is clearly essential that the stability and relative harmony of the community, which has been built up over a long period, should be preserved, particularly at this time; that the special political circumstances of Hong Kong should be taken into account; and that full weight should be given to representation of the economic and professional sectors of Hong Kong society which are essential to future confidence and prosperity. Direct elections would run the risk of a swift introduction of adversarial politics, and would introduce an element of instability at a crucial time. Hong Kong has had no experience of direct or indirect elections to the central organs of government, and constituency based elections even at regional and district level are a relatively new feature of political life in the territory.

28. It has also been suggested that directly elected members should be introduced, a few at a time, into the Council. Since it would not be possible to treat some parts of Hong Kong differently from the others in the matter of representation, members would have to be elected on the basis of either a single list or constituencies covering the whole of the territory. In the latter case, if there were only a few members in the initial stages, their constituencies would have to be very large indeed. Such a system would therefore not only run the risk of introducing direct elections prematurely, but would do so on the basis of constituencies so large that the ability of one member to represent them would be called seriously into question.

29. Thus it is considered that the introduction of direct elections to the Legislative Council would not be appropriate at the present time, although in

due course, as the political and constitutional circumstances of Hong Kong evolve, further thought will be given to this possibility, if popular support for the idea develops.

30. Even the introduction of a system under which a substantial number of Unofficial members are elected indirectly by an electoral college and by functional constituencies will be a major change in the system of government in Hong Kong. It will take time for people to become familiar with this new system and to develop experience in its operation. It is for this reason that it is proposed to introduce the new system progressively.

31. In the light of Hong Kong's special circumstances, the system now proposed should meet the objectives set out in paragraph 7 above of rooting the authority of government firmly in the community, of providing a channel for the authoritative expression of the views of the people, and of making the government more directly accountable to the people of Hong Kong.

CHAPTER IV

The Main Issues for Consideration

32. The main issues for consideration fall under the following three general headings—

(a) *The Legislative Council*

The issues to be considered under this heading include whether the role and functions of the Legislative Council need to be modified in any way; whether the composition of the Council should be changed and, if so, what its composition should be; how the members of the Council should be selected; what should be the role of officials on the Council; and when should any changes resulting from consideration of these questions be introduced.

These issues are discussed in detail in Chapter V.

(b) *The Executive Council*

Similar issues arise for consideration under this heading, including whether the role and functions of the Executive Council need to be changed; whether the composition of the Council should be modified and, if so, how; how should the members of the Council be selected; what should be the relationship between the Executive Council and the Legislative Council; what should be the role of the Unofficial members of the Executive Council in the Administration; and when should any changes stemming from consideration of these issues be introduced.

These questions are discussed in detail in Chapter VI.

(c) *The Governor*

Any changes in the role, functions or composition of the Legislative and Executive Councils naturally raise questions concerning the position of the Governor, in particular with regard to his powers of appointment to the two Councils, his position on the Legislative Council, his relationship with the Executive Council, and the method by which he himself might be selected in the future.

These questions are discussed in Chapter VII.

CHAPTER V

The Legislative Council

33. Clearly the Legislative Council should continue to be responsible for the enactment of legislation and for controlling and monitoring the expenditure of public funds, through the Finance Committee and the Public Accounts Committee. It should also retain its powers to question the Administration on matters of public interest and debate questions of policy. No significant changes in the present functions of the Legislative Council are thought to be necessary, because these allow ample scope for the development of its role. For example, there may be scope for some development in the use of Select Committees, based on the present informal system of UMELCO Working Groups, to examine specific policy issues and major items of legislation; and for more Committees of the Council to meet in public.

34. At present the Legislative Council is composed of the Governor (as President), three ex-officio members (the Chief Secretary, the Financial Secretary and the Attorney General), twenty-nine Unofficial members and fifteen Official members, making a total membership (including the Governor) of forty-eight. The twenty-nine Unofficial members are associated with a wide range of functional constituencies (including commerce, industry, medicine, law, engineering/architecture, education, social work, finance, accountancy, trade unions/workers and religious bodies) and geographical constituencies (including the Urban Council, the District Boards and the Heung Yee Kuk). However, they were selected and appointed by the Governor on the basis of their merits and standing as individuals rather than specifically to represent these various constituencies, and in some cases the individuals selected are associated with more than one constituency.

35. The main question with regard to the Legislative Council concerns its composition and the methods to be adopted for the selection and appointment of its members. As has already been indicated, it is considered that the present system whereby all the Unofficial members of the Legislative Council are selected and appointed by the Governor should be developed progressively to provide for a substantial number of the members to be elected indirectly—

- (a) by an electoral college of Urban Council, new Regional Council and District Board members; and
- (b) by functional groups, or “constituencies”.

It is also considered that a number of appointed Unofficial members should be retained on the Council for the time being, in order to ensure continuity and stability; and a number of Official members should also be retained on the Council to maintain a link between the Council and the Administration, although there would be a gradual reduction in their number.

36. In the case of the geographical constituencies *it is proposed* that an electoral college should be formed consisting of all the elected and, to start with, all the

appointed members of the District Boards, the Urban Council and the new Regional Council. It would thus number in the region of 430 members. The electoral college would elect a specified number of representatives to be members of the Legislative Council. The electoral college would be able to elect anyone with certain prescribed qualifications, e.g. any registered elector who has been ordinarily resident in Hong Kong for a minimum of 10 years, (which are the same basic qualifications for candidates for the Urban Council and the District Boards) and not necessarily from among their number. These arrangements would be introduced progressively with a view to a total of 12 members being elected by the electoral college by 1988.

37. In the case of the functional constituencies *it is proposed* that the present informal system of selecting members from a wide range of such constituencies, which has grown up over many years and has provided much specialist knowledge and valuable expertise, should be developed into a more formal representative system by the introduction of appropriate arrangements for the election by each of these functional constituencies of one or more representatives to serve on the Legislative Council. For example, the representatives of the legal profession might be elected jointly by the members of the Bar Association and the Law Society; and the present system of electing employees' representatives to the Labour Advisory Board might also be used to elect the representatives of labour organizations. The main chambers of commerce and industrial organizations might elect the representatives of commerce and industry. However, in order to qualify as an elector in any of the functional constituencies it would normally be necessary to be a registered elector on the general electoral roll. These arrangements would also be introduced progressively with a view to a total of 12 members being elected by the functional constituencies by 1988.

38. All those functional constituencies from which members of the Legislative Council are drawn at present, e.g., commerce, industry, the medical profession, the legal profession, educational institutions, the financial sector and labour organizations, would be represented on the Legislative Council. There may also be some other functional constituencies which should be represented on the Council if they cover a sufficiently large and important sector of the community to justify inclusion, e.g. traditional organizations and other major professions. The number of representatives to be elected by each functional constituency would vary according to its size and significance.

39. *It is proposed* that to start with, these new arrangements for the indirect election of Unofficial members of the Legislative Council to represent geographical constituencies and functional constituencies should be introduced in two stages—in 1985 and 1988. These years have been proposed on the assumption that all Unofficial members of the Legislative Council would hold office for a term of three years, because they are the years in which District Board elections will take place and because the largest proportion of members of the electoral college will be elected District Board members. To wait until

after the next Urban Council and new Regional Council elections in 1986 would delay the introduction of the proposed new arrangements by one year; and, although it would give those District Board members newly elected in 1985 more time to settle down, it would result in 18 months of political uncertainty every three years for those members of the Legislative Council seeking re-election, instead of only four months of uncertainty if the elections to the Legislative Council take place in the month of July in District Board election years. It would be better, therefore, to complete the District Board and the Legislative Council elections in the same year and then have a period of two and a half years of political certainty before the next District Board elections.

40. At the same time as the proposed arrangements for the elections of Unofficial members of the Legislative Council by the electoral college and the functional constituencies are introduced by stages, *it is proposed* that the number of appointed Unofficial members should be progressively reduced with a view to their total number being 16 by 1988.

41. In the case of the Official members, *it is proposed* that the principal officers in the Administration, i.e. the Chief Secretary, the Financial Secretary and the Attorney General, should remain as ex-officio members of the Legislative Council as a link between the Council and the Administration. There will also continue to be a need for a number of officials to sit, as now, in the Legislative Council, in order to introduce formally legislation within their field of competence, once the draft legislation has been approved by the Executive Council, to discuss it with the specialist groups of Unofficial members of the Legislative Council which examine such legislation in detail, to answer questions from members on the policies approved by the Executive Council in their fields and to answer for the Administration's execution of them. There need, however, not be as many officials as in the past and the number of Official members in the Legislative Council will be reduced progressively to 10 by 1988.

42. The total membership of the Legislative Council in 1988, resulting from all these proposed changes, would be 50.

43. The following table illustrates the above proposals—

<i>Legislative Council members</i>	<i>Year</i>		
	<i>Current</i>	<i>1985</i>	<i>1988</i>
(a) Elected by electoral college	0	6	12
(b) Elected by functional constituencies	0	6	12
(c) Appointed by Governor	29	23	16
(d) Official members	18	13	10
Total	47	48	50

44. After these initial changes in the composition and methods of selection of members of the Legislative Council have been introduced, *it is proposed* that there should be a review of the position in 1989, following the elections in 1988.

with a view to deciding what further developments might be pursued. In particular, this review would consider the future position of appointed Unofficial members and other possible mixes of members elected by the electoral college and the functional constituencies. For example, the numbers of Unofficial members elected by the electoral college and the functional constituencies respectively might be increased in 1991 to 14 each, with the number of appointed Unofficial members being reduced to 12, and the number of Official members remaining at 10; or the numbers of Unofficial members elected by the electoral college and the functional constituencies might be increased in 1991 to 20 each, with the appointed Unofficial members being removed completely and the number of Official members remaining at 10.

45. The following table illustrates the options described in paragraph 44—

<i>Legislative Council members</i>	<i>Year 1991</i>	
	<i>Option 1</i>	<i>Option 2</i>
(a) Elected by electoral college	14	20
(b) Elected by functional constituencies	14	20
(c) Appointed by Governor	12	0
(d) Official members	10	10
Total	50	50

46. Other types of electoral arrangements including the possibility of direct elections on either a constituency basis or a single, territory-wide list might also be considered in the review of the position in 1989.

47. The Governor's relationship with the Legislative Council is discussed in Chapter VII.

CHAPTER VI

The Executive Council

48. The main function of the Executive Council is to advise the Governor on matters of policy. In recent years the Governor has never failed to accept the advice of the Council on such matters, and members take the initiative in proposing matters and in calling for papers from the Administration for consideration by the Council. As a consequence it has in effect become collectively the policy making body for matters within its competence. Its secondary functions are to make subsidiary legislation and to consider appeals and petitions under various ordinances. No significant changes in the Council's present role and functions appear to be necessary.

49. At present the Executive Council is composed of four ex-officio members—the Chief Secretary, the Commander British Forces, the Financial Secretary and the Attorney General—and twelve appointed members, two of whom are officials appointed *ad personam* and ten of whom are Unofficials. The Governor presides over the Council.

50. Three of the four ex-officio members of the Executive Council, i.e. the Chief Secretary, the Financial Secretary, and the Attorney General, are ex-officio members of the Legislative Council. Five of the Unofficial members of the Executive Council and the two officials appointed *ad personam* are also currently members of the Legislative Council. Although there is no formal provision in the Letters Patent or the Royal Instructions for such dual membership of both Councils, it is a long established tradition that several senior (or former) members of the Legislative Council should also be appointed as members of the Executive Council. In this way a close link is maintained between the two Councils.

51. In order to move away from dependence on the present system of the appointment of members of the Executive Council by the Governor and to introduce a representative element into the Executive Council *it is proposed* that, by 1991, *at least* eight of the Unofficial members of the Executive Council should be elected by the Unofficial members of the Legislative Council from among their own number. This will achieve two objectives—first, it will extend representative status to the Executive Council by building upwards from the base of existing institutions and secondly it will establish a more direct relationship between the Executive Council and the Legislative Council.

52. Given its policy making functions, it is important that the membership of the Executive Council should encompass a full range of experience and professional knowledge from the main sectors of society and the economy and the different geographical areas and age groups. The elections in the Legislative Council may or may not produce this result and *it is proposed* that the Governor should have the power to appoint two members of the Executive Council to ensure that it has the necessary range of experience and professional knowledge

available to it. These members could be unofficials selected from either within or without the Legislative Council, or officials, at the Governor's discretion.

53. *It is also proposed* that the three principal officers of the Administration, the Chief Secretary, the Financial Secretary and the Attorney General, who are appointed by the Governor on the instructions of the Secretary of State, should continue to be ex-officio members as a link between the Executive Council and the Administration; and that the Commander British Forces should for the present continue to sit as an ex-officio member of the Council.

54. As with the Legislative Council, it is intended that the arrangements for introducing a more representative element into the composition of the Executive Council should be introduced progressively. Again, on the assumption that the period of office of elected members of both the Legislative and Executive Councils would be for three years, so as to fit in with the electoral cycle for the District Boards and the Regional Councils, *it is proposed* that, to start with, four Unofficial members of the Executive Council should be elected by the Legislative Council in 1988, following the elections to the Legislative Council in that year. Another four Unofficial members would probably be elected in 1991. No change in the composition of the Executive Council is proposed in 1985, when the first stage of the proposed changes in the composition of the Legislative Council will take place, because time should be allowed for the newly elected members of the Legislative Council to become familiar with the work of the Council and the Government before taking part in the election of members of the Executive Council.

55. The following table illustrates the above proposals—

<i>Executive Council members</i>	<i>Year</i>		
	<i>Current</i>	<i>1988</i>	<i>1991</i>
(a) Elected by Legislative Council	0	4	8
(b) Appointed by Governor	12	8	2
(c) Ex-officio members	4	4	4
Total	16	16	14

56. However, the proposals for the composition of the Executive Council in 1991 may be subject to modification in the light of the review of the position of the Legislative Council which it is proposed should take place in 1989.

57. The Governor's relationship with the Executive Council is dealt with in Chapter VII.

58. Suggestions have been made from time to time that Unofficial members of the Executive and Legislative Councils should play a greater part in the Administration by assuming some sort of executive role, similar to the ministerial functions performed by elected representatives in other countries. Leaving aside the question of whether such a system would be suited to the special circumstances of Hong Kong, it is not proposed to pursue this idea at

present for a number of reasons. As was explained earlier (in paragraph 27), it is essential to preserve the stability and harmony of the community. The proposals, which are concerned with the method of selection to the principal institutions of government, themselves represent substantial change and must be absorbed before any changes to the structure of government itself are introduced. Subsequent developments may be considered at a later stage, but the proposed new system of selection must be implemented and allowed to settle down first.

CHAPTER VII

The Governor

59. At present the candidate for appointment as Governor is selected by the Secretary of State for Foreign and Commonwealth Affairs and is appointed by Her Majesty the Queen. The Governor performs four main functions—

- (a) he is ultimately responsible for the direction of the government in Hong Kong;
- (b) he appoints the members of the Executive and Legislative Councils;
- (c) he is President of the Legislative Council; and
- (d) he presides over the Executive Council.

60. The Governor will continue to be appointed formally by the Queen until 1997.

61. However, if the proposed system of indirect elections of the Unofficial members of the Legislative Council is adopted the Governor would no longer retain his power to appoint all the Unofficial members of that Council. Similarly, if the majority of the Unofficial members of the Executive Council are to be elected by the members of the Legislative Council, the Governor's power to appoint members of the Executive Council would be limited to two members.

62. As regards his position as President of the Legislative Council, *it is proposed* that he should be replaced, in due course, by a Presiding Officer elected by the Unofficial members of the Legislative Council from among their own number. Such a change could be introduced progressively in two stages. For example, the first Presiding Officer might be appointed by the Governor after consultation with the Unofficial members of the Legislative Council, but thereafter the Presiding Officer might be elected by the members of the Legislative Council every three years.

63. Even if the Governor were to cease to be President of the Legislative Council, it is envisaged that he would continue to attend upon the Council to deliver an Annual Address to the Council in his role as Chief Executive at the opening of each new Session; and that provision would remain in the Standing Orders of the Council for the Governor to address or attend the Council on any other occasion on which he considered it to be appropriate or necessary.

64. In the case of the Executive Council, the Governor will continue to preside over its proceedings in his capacity as Chief Executive of the Government of Hong Kong. However, once the proposed arrangements concerning the Legislative and Executive Councils have been fully implemented, the question will arise of whether the Governor's present powers in respect of Council proceedings should be reviewed. For example, there will need to be decisions on whether his powers to decide what questions should be submitted to the Executive Council and to act in opposition to the advice of the Council—a power rarely, if ever, exercised—should, for matters within the Council's competence, be removed.

65. The future method of selecting candidates for appointment as Governor will also need to be considered. One possible development would be for the Governor himself, in his capacity as Chief Executive, to be selected, once the process described in this Paper is complete, through an elective process, for example, through election by a college composed of all Unofficial Members of the Executive and Legislative Councils after a period of consultation among them.

66. The implications of such changes in the Governor's powers (paragraph 64 above), and in the method of his selection (paragraph 65 above), for the Government of Hong Kong, for Hong Kong's relationship with the United Kingdom, and for the future generally, and also the timing of any changes, would need to be carefully considered before any decisions could be reached. No firm proposals on this question have therefore been made in this Paper.

CHAPTER VIII

Conclusion

67. The proposals discussed in Chapters V, VI and VII of this Green Paper may be summarized as follows—

The Legislative Council (Chapter V)

- (a) Arrangements should be introduced to provide for a substantial number of Unofficial members of the Legislative Council to be elected indirectly—
 - (i) by an electoral college composed of all members of the Urban Council, the new Regional Council, and the District Boards, and
 - (ii) by specified functional constituencies.
- (b) A number of appointed Unofficial members should be retained on the Council, for the time being.
- (c) The number of Official members of the Council should be gradually reduced.
- (d) To start with, these arrangements should be introduced in two stages—in 1985 and 1988—following the District Board elections in those years.
- (e) The composition of the Legislative Council by 1988 should be—
 - (i) 12 Unofficial members elected by the electoral college,
 - (ii) 12 Unofficial members elected by the functional constituencies,
 - (iii) 16 appointed Unofficial members, and
 - (iv) 10 Official members.
- (f) in 1989, after the 1988 elections to the Council have taken place, there should be a review of the position with a view to deciding what further developments should be pursued.

The Executive Council (Chapter VI)

- (g) The majority of the appointed Unofficial members of the Executive Council should be replaced progressively by members elected by the Unofficial members of the Legislative Council from among their number, but a small number of members should continue to be appointed by the Governor and the four ex-officio members should remain as members of the Council.
- (h) These arrangements should be introduced in two stages—in 1988 and 1991—following the elections to the Legislative Council in those years.
- (i) The eventual composition of the Executive Council by 1991 should be—
 - (i) at least 8 members elected by the Unofficial members of the Legislative Council,
 - (ii) 2 members appointed by the Governor, and
 - (iii) 4 ex-officio members,although these numbers might be modified in the light of the review of the position of the Legislative Council in 1989.

The Governor (Chapter VII)

- (j) In due course, the Governor should be replaced as President of the Legislative Council by a Presiding Officer elected by the Unofficial members of the Legislative Council from among their own number. This change might be introduced in two stages.
- (k) No proposals are made in this Paper in respect of the Governor's powers relating to the proceedings of the Executive Council or about the future method of selecting the Governor. These matters will need to be considered at a later stage.

68. In order to implement the changes proposed it will be necessary to make amendments to the appropriate constitutional instruments, namely, the Letters Patent and the Royal Instructions.

69. The ideas, suggestions and proposals in this Green Paper are not definitive. They have been published for the people of Hong Kong to consider and discuss, so that they can comment on them and, if they wish, put forward their own suggestions for the further development of representative government in Hong Kong.

70. The Government will consider carefully all the views and comments expressed on these proposals during the next two months, and will then seek the further advice of the Executive Council.

71. Thereafter, a White Paper will be published which will put forward the Government's definitive intentions for the further development of representative government in Hong Kong.

